

NOTE: This sample local regulation provides procedural guidance for situations when it is necessary under 105 CMR 300.000 to isolate or quarantine someone at home; to restrict someone from attending school, work, etc.; or to issue an emergency isolation or quarantine order when an imminent threat to public health exists from a disease dangerous to public health as defined below. It does NOT deal with area quarantines; taking over buildings for isolation or quarantine; securing infected articles; etc. **Please consult your municipal attorney before adopting any regulation.**

SAMPLE LOCAL REGULATION FOR ISOLATION AND QUARANTINE

_____ Board of Health

Regulation for the Isolation and Quarantine of Individuals with Disease Dangerous to the Public Health

WHEREAS, the recent epidemic of SARS (Severe Acute Respiratory Syndrome) necessitated large scale quarantines in Asia and Canada;

WHEREAS, additional new infectious diseases are expected to arise and require public health containment measures, and;

WHEREAS, the continued threat of bioterrorism presents public health issues, unprecedented in modern times, that may require the isolation or quarantine of individuals; and,

WHEREAS, the laws of the Commonwealth of Massachusetts require that a board of health investigate diseases dangerous to the public health and take such measures as may be necessary to prevent the spread of such diseases, including the use of isolation and quarantine.

NOW THEREFORE, pursuant to the authority of M.G.L. c. 111, §§ 31 and 122 et seq.; Article II of the Articles of Amendment to the Constitution of the Commonwealth; and all other relevant and lawful authority; the _____ Board of Health enacts the following regulation, for the express purpose of protecting the public health from diseases dangerous to the public health.

I. Definitions

Board of Health. The _____ Board of Health or its authorized agent.

Disease Dangerous to the Public Health. All diseases reportable to a local board of health pursuant to 105 CMR 300.100; any uncommon, unusual or rare diseases reportable pursuant to 105 CMR 300.133; any disease or condition temporarily reportable pursuant to 105 CMR 300.150; and any

illness believed to be part of an outbreak or cluster reportable pursuant to 105 CMR 300.134.

Isolation. Separation, for the period of communicability, of infected persons from others in such places and under such conditions as will prevent the direct or indirect transmission of an infectious agent to susceptible people or to those who may spread the agent to others. This applies also to animals.

Quarantine. Restricting the freedom of movement of well persons or domestic animals who have been exposed to a communicable disease for a period of time relating to the usual incubation period of the disease, in order to prevent effective contact with those not so exposed.

II. Isolation and Quarantine: Authority

Upon the receipt of a report of a case or suspected case of a disease dangerous to the public health, the Board of Health is authorized to implement and enforce the isolation and quarantine requirements set forth in 105 CMR 300.200 or established pursuant to 105 CMR 300.150.

III. Isolation and Quarantine: Procedures

1. The Board of Health shall first attempt to obtain voluntary compliance with any necessary isolation or quarantine measures.
2. If the Board of Health is unsuccessful in obtaining voluntary compliance, the Board may issue a written order for home isolation or quarantine, or an order for isolation or quarantine that restricts an individual from being present in a place or places (e.g. school, workplace). The order shall include the following:
 - a. Name and identifying information of the individual(s) subject to the order;
 - b. Brief statement of the specific facts warranting the isolation or quarantine;
 - c. Conditions for termination of the order;
 - d. Duration of isolation or quarantine period;
 - e. Symptoms of the disease and any required treatment protocols;
 - f. Restrictions that are applicable;
 - g. Guidelines for visitation, if applicable;
 - h. Instructions on the disinfecting or disposal of any personal property of the individual;
 - j. Precautions to prevent the spread of the disease;
 - l. The procedure to obtain review of the order.

3. The Board of Health shall immediately rescind an order that has not expired when the individual is no longer a significant threat to the public health.
4. No Order of Isolation or Quarantine shall exceed _____ days in duration. If at the conclusion of the _____ day period the Board of Health determines that the individual is still a significant threat to the public health, the Board may issue a further Order of Isolation or Quarantine.
5. If a person is unable or unwilling to comply with an order for home isolation or quarantine or with an order restricting him or her from being present in a place or places, or if such measures would not be adequate to protect the public health, the Board of Health may seek a court order requiring that the person be placed in a facility for isolation or quarantine.
6. In the case of an imminent threat to the public health, the Board of Health may issue an order requiring the immediate isolation or quarantine of a person or persons in a facility. If the Board of Health determines that continued isolation or quarantine in such facility is required, the Board shall seek a court order authorizing such isolation or quarantine as soon as practicable.

IV. Enforcement of Orders of Isolation or Quarantine

An order of isolation or quarantine shall be enforced by any member of the State Police or any [insert “city” or “town”] police officer.

V. Process for Review of Order

1. Any individual subject to an order of isolation or quarantine or any authorized representative of such individual may request review of the order by contacting _____ [insert title or name of designated health official] at _____ [insert telephone number].
[NOTE: The person designated to hear a telephone appeal of an order should be different from the person who issued the order.]
2. Any request for review of an order shall not delay or otherwise impede the imposition of an order of isolation or quarantine.

VI. Violation

1. Any person who violates any provision of this regulation may be subject to a fine, not to exceed _____ per violation. Noncompliance with an order issued pursuant to this regulation shall constitute a violation of the regulation.

2. Each day that this regulation is violated shall be deemed a separate violation.

VII. Severability

In the absence of specific language to the contrary, each section, and each provision or requirement of any section, of this article shall be considered separable, and the invalidity of any portion of this article shall not affect the enforceability of any other portion.

VIII. Intent

It is the intent of the [City or Town] of _____ acting by and through its legislative and executive branches to provide for the protection of the public health as set forth in this article consistent with the Constitutions of the United States and the Commonwealth of Massachusetts and the statutory provisions of the Commonwealth of Massachusetts. Any ambiguity or doubt in interpreting or construing any section, word or provision of this article shall be resolved in a manner so as to further this expressed intent.

IX. Effective Date

This regulation shall take effect immediately upon acceptance by the _____ Board of Health.

Accepted by the Board of Health:

Date: _____